

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 239 OF 2003

SHRI SRIKAR KURADE IN CUSTODY AT
SUB JAIL, SADA.

....Applicants

Versus

STATE

....Respondents

SHRI S.G. BHOBE, SHRI S.N. SARDESSAI, PP

Coram:- P. V. HARDAS, J.

Date:- 6th November, 2003

This is an application filed by the applicant/accused in Sessions Case No.50 of 2000, pending on the file of the 1st Additional Sessions Judge, South Goa, Margao. The prayer in this miscellaneous application is for directing the prosecution to keep 3-4 witnesses in attendance on each date of hearing or, in the alternative, summons be issued to atleast 3-4 witnesses on the date of hearing. The evidence in the Sessions Case, admittedly, commenced about 1 1/2 years back and about 15 witnesses have been examined till date. Without entering into the various contentions, which have been advanced by the learned counsel for the applicant, this Criminal Miscellaneous Application can be disposed of in view of the statements

made by Mr.Sardessai, the learned Public Prosecutor on behalf of the State.

2. The learned Public Prosecutor appearing on behalf of the State has submitted that the prosecution would apply for issuing summons to the witnesses well in advance before the date fixed for recording the evidence of these witnesses and, thus, would make every endeavour to see that the witnesses are present before the Court on the days on which the Sessions trial is fixed for evidence. The learned Public Prosecutor for the State has also further stated that the Investigating Officer would ensure that the trial is not unnecessarily delayed on account of the absence of witnesses on the date on which the trial is fixed for evidence.

3. In view of the statements recorded above, Mr.Bhobe, the learned counsel appearing on behalf of the applicant, seeks permission to withdraw this application. Criminal Miscellaneous Application is, accordingly, dismissed as withdrawn.

P. V. HARDAS, J.